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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

JANET MURPHY,

Plaintiff,

v.

HOBBY LOBBY STORES, INC., an
Oklahoma corporation, d/b/a, and
HOBBY LOBBY STORES, INC.
STORE #0528,

Defendants.

No.

NOTICE OF REMOVAL

TO: THE UNITED STATES DISTRICT COURT FOR THE EASTERN
DISTRICT OF WASHINGTON:

Defendant HOBBY LOBBY STORES, INC., an Oklahoma corporation,
pursuant to 28 U.S.C. § 1332, hereby gives notice of the removal of the above-
captioned action from the Superior Court of the State of Washington, County of
Douglas to this Court. This removal is based upon the following grounds:

NOTICE OF REMOVAL - 1

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1 **I. SUMMARY OF PLEADINGS**

2 On or around January 13, 2021, Plaintiff Janet Murphy filed a complaint
3 against the removing defendant, in the Douglas County Superior Court. A true and
4 correct copy of the complaint, including declarations of service on defendants, has
5 been attached hereto as Exhibit A. There are currently no other filed pleadings, but
6 all other filed pleadings shall be submitted to the court per 28 U.S.C. §1446(a).
7

8
9 Hobby Lobby is the sole defendant in this matter, and having received
10 service of this matter, herein seeks removal.

11 **II. NATURE OF THE COMPLAINT**

12 The complaint states a single cause of action in negligence against Hobby
13 Lobby, alleging Plaintiff sustained injuries on the company's premises.
14

15 **III. STATEMENT OF JURISDICTION**

16 This court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332
17 because (1) there is complete diversity of citizenship, (2) the amount in
18 controversy exceeds the sum or value of \$75,000, exclusive of interest and cost,
19 and (3) all other requirements for removal have been satisfied.
20
21

22 **a. Diversity of Citizenship**

23 For purposes of diversity jurisdiction, a corporation is "a citizen of every
24 State and foreign state by which it has been incorporated and of the State or foreign
25
26

1 state where it has its principal place of business...” 28 U.S.C. §1332(c)(1).

2 Therefore, Hobby Lobby is a citizen of Oklahoma, and Plaintiff is a citizen of
3 Washington.
4

5 **b. Amount in Controversy**

6 “[A] defendant’s notice of removal need include only a plausible allegation
7 that the amount in controversy exceeds the jurisdictional threshold.” *Dart*
8 *Cherokee Basin Operating Co., LLC v. Owens*, 135 S. Ct. 547, 554 (2014).

9 “[W]hen a defendant seeks federal-court adjudication, the defendant’s amount-in-
10 controversy allegation should be accepted when not contested by the plaintiff or
11 questioned by the court.” *Id.* at 553. In determining whether the amount in
12 controversy is satisfied, the Court may consider compensatory and statutory
13 damages, as well as punitive damages. *See Campbell v. Hartford Life Ins. Co.*, 825
14 F. Supp. 2d 1005, 1008-09 (E.D. Cal. 2011).
15

16 Here, Plaintiff alleges sustaining severe injuries, and seeks both special and
17 general damages. Similar allegations and cases have resulted in settlements and
18 jury verdicts which exceed \$75,000.¹ Further, Hobby Lobby sent correspondence
19
20
21
22

23 ¹ *Dirk H. Fieldcamp v. The City of Mukilteo et. al.*, Snohomish County Cause
24 No.98-2-00243-1. Plaintiff, male age 44, Civic Interface Manager for Boeing.
25
26

1 to Plaintiff requesting confirmation that she seeks less than \$75,000 in damages,
2 and Plaintiff has failed to respond. This omission sends a clear signal that Plaintiff
3 intends to seek at a minimum in excess of \$75,000.
4

5 **IV. TIMELINESS OF REMOVAL**

6 A notice of removal must be filed within 30 days after service of the
7 pleading which makes the defendant become a party to the state action. (28 U.S.C.
8 § 1446(b).) The thirty-day period for removal does not begin to run until a party
9 has received a copy of the Complaint and has been properly served. (See *Murphy*
10 *Brothers, Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S.344, 347-48 (1999).)
11
12

13 Hobby Lobby was served with a copy of the summons and complaint on
14 January 30, 2021. Therefore, this Notice of Removal is timely filed under 28
15 U.S.C. § 1446(b). A response to Plaintiff's complaint will be timely filed in the
16
17

18 Plaintiff contended while returning documents to the City of Mukilteo's office,
19 upon leaving the office he stepped off the concrete onto the wet, painted asphalt
20 surface, causing him to slip and fall. Defendant City of Mukilteo was a lessee of
21 the property. Defendants Aileen Chuck and The Hawaiian Trust Co., Ltd., were
22 owners and lessors of the property. Defendants contended the accident was the
23 fault of Plaintiff. Result: \$150,000 award.
24
25
26

1 United States District Court pursuant to Rule 81(c) of the Federal Rules of Civil
2 Procedure.
3

4 DATED this 18th day of February, 2021.

5 KLINEDINST PC
6

7 By s/ Gregor A. Hensrude

8 Gregor A. Hensrude, WSBA #45918

9 Attorneys for Defendants

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CERTIFICATE OF SERVICE

I hereby certify that on February 18, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which in turn automatically generated a Notice of Electronic Filing (NEF) to all parties in the case who are registered users of the CM/ECF system. The NEF for the foregoing specifically identifies recipients of electronic notice. I hereby certify that I also sent a courtesy copy via email to:

Attorneys for Plaintiff:

Corey M. Kane, WSBA #49710
Lacy Kane & Kube, P.S.
300 Eastmont Avenue
East Wenatchee, WA 98802
Email: corey@lacykane.com

DATED this 18th day of February, 2021, at Seattle, Washington.

/s/ Megan Johnston

Megan Johnston, Legal Assistant
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